

The Honorable Judge David G. Estudillo

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

Gabriella Sullivan, *et al.*,

Plaintiffs,

v.

Bob Ferguson, in his official capacity as
Washington State Attorney General, *et al.*
Defendants.

No. 3:22-cv-05403-DGE

MOTION TO SUBSTITUTE PARTIES

NOTE ON MOTION CALENDAR: June 17,
2022

Plaintiffs Gabriella Sullivan, Rainier Arms, LLC, Second Amendment Foundation, and Firearms Policy Coalition, Inc., respectfully request that the Court substitute Norma Tillotson, Grays Harbor County Prosecutor, as defendant in place of Katie Svoboda, pursuant to Federal Rule of Civil Procedure 25(d). In support whereof, Plaintiffs state:

1. Plaintiffs have sued Katie Svoboda in her official capacity as Grays Harbor County Prosecutor. In an official capacity suit, what matters is the office which is sued, not the name of the individual who holds that office. *See* Fed. R. Civ. P. 17(d) (“A public officer who . . . is sued in an official capacity may be designated by official title rather than by name.”); *see also Echevarria-Gonzalez v. Gonzalez-Chapel*, 849 F.2d 24, 31 (1st Cir. 1988).

2. Katie Svoboda is no longer Grays County Prosecutor. She was succeeded in that position by Norma Tillotson before the Complaint was filed but Plaintiffs did not discover their error until they sought to serve the Grays County Prosecutor with the Complaint.

3. Although Rule 25(d) is directly applicable to the substitution of defendants in their official capacity after the originally named defendant has been served and made a party to the

1 action, “its rationale sheds some light on the present situation,” and the “individual” named as a
2 defendant by the Complaint is the incumbent Grays Harbor County Prosecutor “whoever [s]he
3 might be.” *Id.*

4 4. It is therefore appropriate to substitute Norma Tillotson, Grays County Prosecutor
5 as defendant in her official capacity in place of Katie Svoboda. This case has just begun, Plaintiffs
6 are in the process of serving Defendants with the Complaint and no prejudice will result from
7 granting Plaintiffs’ motion.

8 5. Plaintiffs have consulted with counsel for the state defendants, the only parties who
9 have appeared so far, and they do not object.

10 6. A proposed order is attached to this motion.

1 June 17, 2022.

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4 By: 

/s/ David H. Thompson

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DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court's CM/ECF System, which will send notification of such filing to all counsel of record

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATE this 17th day of June 2022, at Bainbridge Island, Washington.

/s/ Joel B. Ard
Joel B. Ard, WSBA #40104